

JACKSON CHARTER 1914

JS  
954  
A15  
1914



224584

# THE CHARTER

—OF THE—

## CITY OF JACKSON, O.

ELECTION TUESDAY,  
AUGUST 11, 1914.

OHIO STATE

LIBRARY







# Statement of The Charter Commission

---

To the voters of Jackson, Ohio:—

We submit to you a proposed charter for Jackson, Ohio. This proposed charter has been framed under authority and in conformity with the constitution and laws of the State of Ohio. It has been prepared under the firm belief that the people of Jackson, Ohio, are ready to take their local government into their own hands by the adoption of a charter.

In the preparation of the charter the commission has sought information and suggestions from many sources. Charters of other cities have been carefully examined and considered, and the commission has incorporated in this charter, provisions which it believed would furnish the best charter for our city.

We have taken a step in advance of the Commission governed cities and provided a remedy for the generally acknowledged defect of such forms. We have provided, in addition to a "City Commission" of five members composed of the Mayor and four citizen electors, a chief administrative officer named "The City Manager", whose duty it shall be to supervise and control the conduct and operations of all officers and employees of the city and to manage the affairs of the city in an efficient and economical manner. We are convinced that this centralization of administrative authority will produce business-like methods in the city government and fix responsibility for official action that will result in great benefit.

A special election for the adoption of the charter, herewith submitted, will be held on Tuesday, August 11th, 1914.

---

## Advantages of the Charter

---

We ask each citizen to carefully read and study the charter. Among many reasons for the adoption of the charter we suggest the following:

Home rule for Jackson is secured.

A simple, direct and business-like government is established,—the Commission Form of Government, with a City Manager.

Elective officials are directly responsible to the people.

Party politics are eliminated. No party designations will appear on the ballot.

Candidates are prohibited from soliciting office by improper methods.

The people are given a direct part in the government by the Initiative and Referendum.

A simple method of removing inefficient or corrupt officials is furnished by the Recall.

Public hearings are required upon money appropriations.

The rights of the city in matters pertaining to franchises and utilities are carefully safe guarded.

An adequate system of accounting is established.

Improvements may be made by contract or by direct labor.

Full publicity of official acts and public records is provided, yet wasteful methods of advertising are eliminated.

Capable men are afforded the opportunity of holding office during good behavior, thus tending to the development of trained public servants.

A purchasing department is created which will effect great saving in the purchase of supplies.

A means of avoiding much unnecessary tearing up of streets for service connections is afforded.

These and other features will provide a workable, simplified, and well-balanced system of government.

The charter recognizes the people as the sole source of governmental power, and upon each member of the community is imposed the duty and responsibility of actively interesting himself in the affairs of the city.

If this charter is adopted, its amendment is possible at any time by a safe and convenient method.

The members of the Charter Commission have adopted this charter, believing that if it is adopted by the people it will provide for Jackson an adequate, economical and efficient form of government, one devised to suit the particular needs of our city.

THE CHARTER COMMISSION.



# Charter of The City of Jackson, Ohio

## POWERS OF THE CITY

Section 1. The inhabitants of the City of Jackson, Ohio, as its limits now or hereafter may be established, shall continue to be a body politic and corporate, to be known and designated as "The City of Jackson, Ohio", and by that name shall have perpetual succession, may sue and be sued, may contract and be contracted with, may acquire and hold such property, real and personal as may be devised, bequeathed, sold, appropriated, leased, or in any manner conveyed to it, and may invest, sell or dispose of same, and may have and exercise all powers, rights and privileges that now are, or hereafter may be granted to municipalities by the Constitution or Laws of Ohio, and all powers, rights and privileges that are necessary for its proper government or that usually appertain to municipal corporations, and no enumeration of particular powers by this charter shall be held to be exclusive.

## THE CITY COMMISSION

### *Creation and Powers.*

Section 2. There is hereby created a City Commission to consist of five members, composed of the Mayor and four electors of the City, elected at large, who shall hold office for a term of two (2) years beginning January 1st after their election, and until their successors are elected and qualified.

All the powers of the City, except such as are vested in the Board of Education, and except as otherwise provided by this Charter or by the Constitution of the State, are hereby vested in the City Commission, and, except as otherwise prescribed by this Charter or by the Constitution of the State, the City Commission may by ordinance or resolution prescribe the manner in which any power of the City shall be exercised. In the absence of such provision as to any power, such power shall be exercised in the manner now or hereafter prescribed by the general laws of the State applicable to municipalities.

### *Qualifications of Members.*

Section 3. Each member of the City Commission shall be a resident of the City of Jackson, Ohio, and shall have the qualifications of an elector therein. He shall not hold any other public office or employment except that of Notary Public or Member of the State Militia, and as provided herein.

### *Vacancies*

Section 4. Vacancies in the City Commission shall be filled by the City Commission for the remainder of the unexpired term, except vacancies resulting from a recall election shall be filled in the manner provided in such case.



## *Salary and Bonds.*

Section 5. Members of the City Commission, except the Mayor, shall receive a salary of Two Dollars (\$2.00) for each regular meeting attended, but not to exceed twenty-four (24) meetings in any one year, and they shall give bond in the sum of \$1000.00, to be approved by the Sinking Fund Trustees, and the premium of each such bond shall be paid by the City.

## *Mayor.*

Section 6. The Mayor shall be an elector and resident of the City and shall be elected by the qualified electors of the City for a term of two (2) years and until his successor is elected and qualified. He shall not hold any other public office or employment, except that of Notary Public or member of the State Militia, and as provided herein.

The Mayor shall be the presiding officer of the City Commission and shall have a voice and vote in the proceedings of the Commission, but no veto. He shall be recognized as the official head of the City by the Courts for the service of civil process and by the Governor for the purpose of Military Law, and for all ceremonial purposes. He may take command of the police and govern the city by proclamation during times of public danger or emergency, and he shall himself be the judge of what constitutes such public danger or emergency. He may use the title of Mayor in any case in which the execution of legal instruments of writing or other necessity arising from the general law of the State so requires.

The Mayor shall perform all the judicial functions of a Mayor under the general laws of the State, provided that if at any time hereafter a police or municipal court shall be established in Jackson, such judicial functions of the Mayor, as provided in this charter, shall cease, and be vested in said police or municipal court.

Section 7. The Mayor shall act as and be the City Treasurer and shall be the custodian of all moneys of the city, and shall keep and preserve the same in such manner and in such place or places as shall be determined by the City Commission. He shall pay out money only on warrant issued by the City Auditor. In addition to such duties, he shall perform as such Treasurer, such other duties as may be required of him by the City Commission as well as such as may be required of City Treasurers by the general laws of the State applicable to municipalities, and not inconsistent with this charter or with any ordinance or resolution that may be passed by the City Commission.

## *Salary and Bond.*

Section 8. The Mayor first elected under this charter shall receive a salary of Three Hundred (\$300.00) per year and such fees as are allowed by the general law of the State for his judicial functions, but in no event in any one year to exceed the sum of One Thousand Dollars (\$1000.00) in salary and fees as aforesaid. Thereafter the City Commission shall fix the salary or compensation of the incoming Mayor, at least thirty days before the primary election held for the



nomination of candidates for said office of Mayor, and no salary of any elected official hereunder shall be fixed, increased or diminished during the term of office for which an official is elected. The Mayor shall give bond in the sum of Ten Thousand Dollars (\$10,000.00) premium payable by the City.

### *Absence or Disability*

Section 9. In case of the absence or disability of the Mayor his duties shall be performed by a Vice-Mayor elected by the City Commission from among its members at its first meeting, and in case of the absence or disability of both Mayor and Vice Mayor, the other members of the Commission shall select one of their number to perform the duties of Mayor.

## ELECTIONS

### *Time of Holding Elections.*

Section 10. Regular municipal elections shall be held on the first Tuesday after the first Monday in November in the odd numbered years, Primary elections shall be held at the time provided by the general election laws of the state. Any matter which by the terms of the charter may be submitted to the electors of the city at any special election may be submitted at a primary election or at a regular municipal election.

### *Ballots.*

Section 11. The Ballots used in all elections provided for in this charter shall be without party marks or designations. The whole number of ballots to be printed for any primary or regular election for the nomination or election of candidates for any office shall be divided by the number of such candidates, and the quotient so obtained shall be the number of ballots in each series of ballots to be printed. The names of the candidates shall be arranged in alphabetical order and the first series of ballots printed. The first name shall then be placed last and the next series of ballots printed, and this process shall be repeated until each name shall have been first. These ballots shall then be combined into tablets with no two of the same order of names together. The ballots shall in all other respects conform as nearly as may be to the ballots prescribed by the general election laws of the state.

### *Petitions for Place on Primary Ballot*

Section 12. Candidates for the office of Mayor and City Commissioner shall be nominated only by a non-partisan primary election. The name of any elector of the city shall be printed upon the primary ballot if there is filed with the election authorities a petition in accordance with the following provisions, to-wit:—

(a) Such petitions shall state the name and place of residence of each person whose name is presented for a place upon the ballot and that he is a candidate for the office of Mayor or City Commissioner of the City of Jackson, Ohio



(b) Such petitions shall be signed by electors of the municipality equal in number to two per cent of the total number of votes cast at the last preceding general election for municipal officers.

(c) Such petitions shall contain a provision that each signer thereto thereby pledges himself to support and vote for the candidate or candidates whose names are therein presented for a place upon the ballot, and each elector signing a petition shall add to his signature his place of residence, with street and number, voting precinct, and date of signing, and may subscribe to one nomination for each of the places to be filled and no more. All signatures shall be made with ink or indelible pencil.

(d) The signatures of all the petitioners need not be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof stating the number of signers thereto that each person signed in his presence on the date mentioned, and that the signature is that of the person whose name it purports to be.

(e) Such petitions shall not be signed by any elector more than fifty (50) days prior to the day of such primary election and such petition shall be filed with the election authorities not less than thirty (30) days previous to the day of such election.

### *Acceptance.*

Section 13. Any person whose name has been submitted for candidacy by any such petition shall file his acceptance of such candidacy with the election authorities not later than twenty five (25) days previous to such election; otherwise his name shall not appear upon the ballot.

### *Election.*

Section 14. The candidates for nomination to the offices of Mayor and City Commissioner who shall receive the greatest vote in such primary election shall be placed on the ballot at the next regular municipal election in number not to exceed twice the number of vacancies in each office to be filled, and the candidates at the regular municipal election equal in number to the places to be filled who shall receive the highest number of votes at such regular municipal election, shall be declared elected. A tie between two or more candidates for any office shall be decided by lot under the direction of the election authorities, as provided by the general election laws of the state.

### *General Laws to Apply.*

Section 15. All elections shall be conducted, and the results canvassed and certified by the election authorities prescribed by general election laws, and, except as otherwise provided by this charter or by ordinances or resolutions of the City Commission hereafter enacted, the general election laws shall control in all such elections.

Section 16. No candidate for any elective office under this charter shall make any personal canvass among the voters for the nomination or election of any other candidate at the same municipal election, nor shall he by writing or otherwise solicit any one to support or vote for any other candidate. He shall not expend or promise



any money, office, employment or any other thing of value to secure a nomination or election, except as provided by the general laws of Ohio, relating to elections and the provisions of the general laws of Ohio, defining and relating to corrupt practices at elections are hereby made applicable to all elections held under this charter.

## THE RECALL

### *Recall Petition.*

Section 17, The Mayor or any or all members of the City Commission, provided for in this charter, may be removed from office by the electors. The procedure to effect such removal shall be as follows:

A petition demanding that the question of removing such officer or officers be submitted to the electors shall be filed with the Auditor.

Such petition for the recall of any or all of said officers shall contain thereon a statement in not more than five hundred (500) words setting forth the reasons or grounds on which the recall of such officer or officers is demanded and such statement shall be signed and sworn to by a qualified elector of the municipality, and such petition shall be signed by at least twenty-five (25) per cent of the total number of votes cast at the last preceding general election for municipal officers. The signatures to such petitions need not be appended to any one paper, but each such petition shall contain the statement under oath as above provided.

### *How Procured.*

Section 18. Petition papers shall be procured only from the Auditor, who shall keep a sufficient number of such blank petitions on file for distribution as herein provided. Prior to the issuance of such petition papers, an affidavit shall be made by one or more qualified electors and filed with the Auditor, stating the name and office of the officer or officers sought to be removed, and setting forth in not to exceed five hundred (500) words, the reasons or grounds on which such recall is demanded. The Auditor upon issuing any such petition papers to an elector, shall enter in a record, to be kept in his office, the name of the elector to whom issued, the date of such issuance, and the number of papers issued and shall certify on such papers the name of the elector to whom issued and the date issued. No petition papers so issued shall be accepted as part of the petition unless it bears such certificate of the Auditor and unless it be filed as provided herein.

### *Signatures, Requirements of.*

Section 19. Each signer of a recall petition shall sign his name in ink or indelible pencil and shall place thereon after his name his place of residence by street and number. To each such petition paper there shall be attached an affidavit of the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper was made in his presence and is the genuine signature of the person whose name it purports to be.



## *Filing*

Section 20. All papers comprising a recall petition shall be assembled and filed with the Auditor as one instrument within thirty (30) days after the filing with the Auditor of the affidavit stating the name and office of the officer sought to be removed

## *Certification of Commission.*

Section 21. The Auditor shall at once submit the recall petition to the Commission and shall notify the officer sought to be recalled of such action. If the official whose removal is sought does not resign within five (5) days after such notice, the Commission shall thereupon order and fix a day for holding a recall election. Any such election shall be held not less than forty (40) nor more than sixty (60) days after the petition has been presented to the commission and at the same time as any other general or special election held within such period; but if no such election be held within such period, the Commission shall call a special recall election to be held within the time aforesaid.

## *Form of Ballot.*

Section 22. The ballots for such recall elections shall conform to the following requirements:

With respect to each person whose removal is sought the question shall be submitted, "Shall (Name of person) be removed from the office of (Name of office) by recall?"

Immediately following each such question there shall be printed on the ballots the two propositions, in the order set forth:

For the recall of (Name of person).

Against the recall of (Name of person).

Immediately to the left of the proposition shall be placed a square in which the electors, by making a cross mark (X), may vote for either of such propositions. Under said questions shall be placed the names of candidates to fill the vacancy or vacancies. The name of the officer or officers whose removal is sought shall not appear on the ballot as a candidate or candidates to succeed himself or themselves.

## *Effect.*

Section 23. Should a majority of the votes cast at a recall election be against the recall of the officer named on the ballot, such officer shall continue in office for the remainder of his unexpired term, subject to recall as before.

## *Filling of Vacancies.*

Section 24. In any such election, if a majority of votes cast on the question of removal of any officer is affirmative, the person whose removal is sought shall thereupon be deemed removed from office upon the announcement of the official canvass of that election, and the vacancy caused by such recall shall be filled as follows:

Candidates to succeed each officer, sought to be recalled, for his unexpired term shall be voted for at the same election, and shall

be nominated without primary election, by petitions signed, dated and verified in the manner required for petitions presenting names of candidates for nomination at a primary election, and similar in form to such petitions, but signed by electors equal in number to at least five (5) per cent of the total number of votes cast at the last preceding general election for municipal officers, and filed with the election authorities at least thirty (30) days prior to such recall election. But no such nominating petition shall be signed or circulated until after the time has expired for signing the copies of the petition for such recall, and any signatures thereon antedating such time shall not be counted.

### *Counting the Vote.*

Section 25. Candidates for Mayor shall be nominated directly for that office, and the candidate for such office receiving the highest number of votes shall be declared elected to fill the vacancy for the unexpired term, but if more than one City Commissioner, besides the Mayor, are removed at such election, candidates equal in number to the number of Commissioners removed, besides the Mayor, shall be declared elected to fill the vacancies. Cases of ties, and all other matters not herein specially provided for shall be determined by the rules governing elections in the election laws of Ohio.

### *Effect of Resignations.*

Section 26. No proceeding for the recall of any or all of the City officials at the same election shall be defeated in whole or in part by the resignation of any or all of them after the five (5) days as above provided, but upon the resignation of any of them after said five (5) days, the City Commission shall have power to fill the vacancy until a successor is elected, and the proceedings for the recall, and the election of successors shall continue and have the same effect as though there had been no resignation. In case all the members of said City Commission are sought to be removed, the resignations of all of them either before or after the expiration of said five (5) day period shall not become effective until they have provided for the holding of a recall election hereunder.

### *Miscellaneous Provisions.*

Section 27. Except as herein otherwise provided, no petition to recall any commissioner shall be filed within six (6) months after he takes office. No person removed by recall shall be eligible to be elected or appointed to any office hereunder for a period of two years after the date of such recall. The City Auditor shall preserve in his office all papers comprising or connected with a petition for a recall for the period of one year after the same were filed. The method of removal herein provided is in addition to such other methods as are, or may be, provided by general law.



## APPOINTIVE OFFICERS AND DEPARTMENTS

### CITY MANAGER

#### *Appointment.*

Section 28. The City Commission shall appoint a City Manager who shall be the administrative head of the municipal government under the direction and supervision of the City Commission, and who shall hold office at the pleasure of the City Commission. He shall be appointed without regard to his political beliefs but shall be a resident of the city at the time of his appointment. During the absence or disability of the City Manager the City Commission may designate some properly qualified person to execute the functions of the office.

#### *Powers and Duties.*

Section 29. The powers and duties of the City Manager shall be:

- (a) To see that the laws and ordinances are enforced.
- (b) Except as herein provided, to appoint and remove all heads of departments, and all subordinate officers and employes of the city; all appointments to be upon merit and fitness alone.
- (c) To exercise control over all departments and divisions created herein or that hereafter may be created by the commission.
- (d) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof to call the same to the attention of the City Solicitor, who is hereby required to take such steps as are necessary to enforce the same.
- (e) To attend all meetings of the Commission, with the right to take part in the discussions but having no vote.
- (f) To recommend to the Commission for adoption such measures as he may deem necessary or expedient.
- (g) To act as budget commissioner and to keep the city Commission fully advised as to the financial condition and needs of the city; and
- (h) To perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the Commission.

#### *Investigations.*

Section 30. The City Manager may without notice cause the affairs of any department or the conduct of any officer or employe to be examined. Any person or persons appointed by the City Manager to examine the affairs of any department or the conduct of any officer or employe shall have the same power to compel the attendance of witnesses and the production of books, and papers and other evidence and to cause witnesses to be punished for contempt as is conferred upon the commission by this charter.

#### *Head of Departments.*

Section 31. Excepting the departments of Mayor, City Solici

tor, Auditor and Sinking Fund, the City Manager shall be the acting head of each and every department of the city until otherwise directed by the Commission; but with the consent and approval of the Commission, he may appoint a deputy or chief clerk to represent him in any department of which he is the acting head. No member of the City Commission shall directly interfere with the conduct of any department, except at the express direction of the Commission.

### *Platting Commissioner*

Section 32. The City Manager shall also be the Platting Commissioner of the city and he shall exercise the authority and discharge the duties of that office under the provisions of the general law of the state applicable thereto, except as the same may be modified by the City Commission.

### *Purchasing Agent.*

Section 33. The City Commission shall designate some officer of the city, other than the Auditor or Mayor, to act as its Purchasing Agent, by whom all purchases of supplies for the city shall be made and who shall approve all vouchers for the payment of the same. Such purchasing agent shall also conduct all sales of personal property which the Commission may authorize to be sold as having become unnecessary or unfit for the city's use.

All purchases and sales shall conform to such regulations as the Commission may from time to time prescribe; but in either case, if an amount in excess of five hundred dollars (\$500 00) is involved, opportunity for competition shall be given. Where purchases or sales are made on joint account of separate departments, the purchasing agent shall apportion the charge or credit to each department. He shall see to the delivery of supplies to each department, and take and retain the receipt of each department therefor. Until the City Commission shall otherwise provide, the City Manager of the city shall act as such purchasing agent.

### *Salary and Bond.*

Section 34. The City Manager shall receive such salary as the City Commission shall determine, and which may be increased or diminished at their pleasure. He shall give bond in such sum as the City Commission may determine, and the premium thereof shall be paid by the city.

### *Auditor*

Section 35. The City Commission shall appoint a City Auditor, who shall hold office at the pleasure of the Commission and shall receive such salary as the Commission shall determine. He shall issue all warrants for payments of money by the City. He shall keep an accurate account of all taxes and assessments, of all money due to, and all receipts and disbursements by, the municipality; of all its assets and liabilities, and of all appropriations made by the City Commission. At the end of each fiscal year, and oftener if required by the



Commission, he shall audit the accounts of the several departments and officers, and shall audit all other accounts in which the city is interested. He may prescribe the form of reports to be rendered to his department, and the method of keeping accounts by all other departments, and he shall require monthly reports to be made to him by each department showing the receipts of money by such department, and the disposition thereof. Upon the death, resignation, removal or expiration of the term of any officer, the City Auditor shall audit the accounts of such officer, and if such officer shall be found indebted to the city, he shall immediately give notice thereof to the City Commission and to the City Solicitor.

In addition to such duties the City Auditor shall act as Clerk of the City Commission and shall perform such other duties as shall be required of him by the Commission, as well as any that may be required of him by the general laws of the State applicable to municipalities and not inconsistent with this charter or with any ordinance or resolution that may be passed by the City Commission. The City Auditor shall give bond in the sum of One Thousand Dollars (\$1000.00) premium thereof payable by the city.

### *City Solicitor.*

Section 36. The City Commission shall appoint a City Solicitor, who shall hold office at the pleasure of the Commission, and shall receive such salary or compensation as the Commission shall determine. He shall act as the legal advisor to, and attorney and counsel for, the city and all its departments and officers in matters relating to their official duties. He shall prepare all contracts, bonds and other instruments of writing in which the municipality is concerned, and shall endorse on each his approval of the form and correctness thereof; and no contract with the municipality shall take effect until his approval is endorsed thereon. He shall be the prosecuting attorney in the Mayor's or Police Court, and shall have such assistants as the City Commission may authorize. He shall perform such other duties as may be required of him by the Commission, as well as such as may be required of city solicitors by the general laws of the State applicable to municipalities, and not inconsistent with this charter or with any ordinance or resolution that may be passed by the City Commission. He shall give bond in the sum of One Thousand Dollars (\$1000.00), premium payable by the city.

### *Trustees of the Sinking Fund.*

Section 37. The Board of Trustees of the Sinking Fund as now organized and existing shall continue, and such board and all matters pertaining thereto shall be governed by the general laws of the state in effect January 1st, 1914, or thereafter enacted and applicable thereto; excepting that the members of said board shall serve without pecuniary compensation. The present members of said board shall continue to serve for their unexpired terms; but their successors shall be appointed, and vacancies in said board shall be filled, by the City Commission.

## *Civil Service.*

Section 38. The Civil Service Commission as now organized and existing is hereby abolished: but the City Commission may at any time establish a Civil Service Commission and adopt rules and regulations for the government thereof.

## *Other Boards and Departments.*

Section 39. All other administrative departments in existence at the time of the adoption of this charter shall continue until otherwise provided by the City Commission. Excepting the officers, boards, commissions and departments hereinbefore specially mentioned and provided for, the City Commission shall have power to establish, create, combine or abolish offices, boards, departments or divisions when in its opinion the proper administration of the business of the city so requires.

## *Advisory Boards.*

Section 40. The City Commission at any time may appoint an advisory board or boards composed of citizens qualified to act in an advisory capacity to the City Commission, the City Manager or the head of any department, with respect to the conduct and management of any property, institution or public function of the city. The members of any such board shall serve without compensation for a time fixed in their appointment, or at the pleasure of the Commission; and their duty shall be to consult and advise with such municipal officers and make written recommendations which shall become part of the records of the city.

## *Salaries and Bonds.*

Section 41. The City Commission shall fix by ordinance the salary or rate of compensation of all officers and employes of the city entitled to compensation, except as provided herein; and may require any officer or employe to give bond for the faithful performance of his duty in such an amount as it may determine, and it may provide that the premium thereof shall be paid by the city.

## *General Disqualifications.*

Section 42. No member of the City Commission, the City Manager or any other officer or employe of the city, shall directly or indirectly be interested in any contract, job, work or service with or for the city; nor in the profits or emoluments thereof, nor in the expenditure of any money on the part of the city other than his fixed compensation; and any contract with the city in which any such officer or employe is, or becomes, interested may be declared void by the City Commission.

No member of the City Commission, the City Manager or other officer or employe of the city shall knowingly accept any gift, frank, free ticket, pass, reduced price or reduced rate of service from any person, firm or corporation operating a public utility or engaged in



business of a public nature within the city, or from any person known to him to have, or to be endeavoring to secure, a contract with the city. But the provisions of this section shall not apply to the transportation of policemen or firemen in uniform or wearing their official badges, when the same is, or may be, provided by ordinance.

### *Political Activity.*

Section 43. Neither the City Manager, nor any person in the employ of the city under him shall take any active part in securing, or contribute any money toward, the nomination or election of any candidate or candidates for any office hereunder, excepting to answer such questions as may be put to him and as he may desire to answer.

### *Penalties.*

Section 44. The provisions of the two last preceding sections shall not be considered exclusive, but as in addition to any other provisions of the general law of the state applicable to the case; and a violation of any provisions of either of such sections shall subject the offender to removal from his office or employment, and to punishment by a fine of not exceeding One Hundred Dollars, (\$100.00).

## THE CITY COMMISSION.

### *Time of Meeting.*

Section 45. At seven o'clock p. m. on the second day of January following a regular municipal election, or if such day be Sunday, on the day following, the City Commission shall meet at the usual place for holding the meetings of the legislative body of the city, at which time the newly elected Commissioners shall assume the duties of their office. Thereafter the City Commission shall meet at such times as may be prescribed by ordinance or resolution, except that it shall meet regularly not less than twice each month. The Mayor, any two members of the Commission, or the City Manager, may call special meetings of the Commission upon at least twelve hours written notice to each member, served personally or left at his usual place of residence. All meetings of the City Commission shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times. The City Commission shall determine its own rules and order of business and shall keep a journal of its proceedings.

### *Penalty for Absence.*

Section 46. The absence of any member of the City Commission from five (5) consecutive regular meetings, shall operate to vacate the seat of such member, and any office hereunder held by such member, shall thereupon be deemed to be vacant, unless such absence is excused by the Commission by resolution setting forth such excuse and entered upon the journal.

### *Legislative Procedure.*

Section 47. The Commission shall be judge of the election and qualifications of its members. A majority of all the members elected

he City Commission shall be a quorum to do business, but a lesser number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of at least three of the members shall be necessary to adopt any ordinance or resolution; and the vote upon the passage of all ordinances and resolutions shall be given by "yeas" and "nays" and entered upon the journal.

### *Ordinance Enactment.*

Section 48. Each proposed ordinance or resolution shall be introduced in written or printed form, and shall not contain more than one subject, which shall be clearly stated in the title; but general appropriation ordinances may contain the various subjects and accounts which moneys are to be appropriated. The enacting clause of all ordinances passed by the City Commission shall be, "Be it ordained by the City Commission of the City of Jackson, Ohio." The enacting clause of all ordinances submitted to popular election by the initiative shall be: "Be it ordained by the people of the City of Jackson, Ohio."

No ordinance unless it be an emergency measure, shall be passed until it has been read at two regular meetings not less than two weeks apart, or the requirement of such reading has been dispensed with by the affirmative vote of four of the members of the Commission. No ordinance or resolution or section thereof shall be revised or amended; unless the new ordinance or resolution contain the entire ordinance or resolution or section revised or amended; and the original ordinance, resolution, section or sections so amended shall be repealed.

### *Emergency Measures.*

Section 49. All ordinances and resolutions passed by the City Commission shall be in effect from and after thirty (30) days from the date of their passage, except that the City Commission may, by the affirmative vote of four of its members, pass emergency measures to take effect at the time indicated therein.

An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health or safety, providing for the usual daily operation of a municipal department, which the emergency is set forth and defined in a preamble thereto. Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise, or other special privilege, or regulating the rate to be charged for its service by any public utility, shall ever be so passed.

### *Record of Publication.*

Section 50. Every ordinance or resolution upon its final passage shall be recorded in a book kept for that purpose, and shall be authenticated by the signatures of the presiding officer and the clerk of the Commission. Every ordinance of a general or permanent nature shall be published once within ten (10) days after its final passage in the manner hereinafter provided.



Resolutions and ordinances providing for public improvements, to pay the cost of which special assessments are to be made, need not be published; but within ten (10) days after the passage of each a notice shall be published as follows, the same being in addition to the notice required by law to be served on the property owners.

As on the resolution declaring the necessity of the proposed improvement, a notice shall be published headed "Notice of Public Improvement", stating when the same was adopted by the City Commission and setting forth the general nature and the extent of such improvement including any change of street grade that is to be made, what part of the cost thereof is to be assessed against the property to be especially benefited thereby, and when water, gas or other street connections must be made.

As to the ordinance determining to proceed with the improvement, a notice shall be published headed "Notice of Determination to Proceed with Public Improvement," stating when the City Commission adopted the same, describing the character and extent of the improvement in general terms, and setting forth within what time assessment on property specially benefited may be paid in cash, and for what period and at what interest bonds will be issued for that portion of the assessments not so paid.

In regard to the ordinance to provide for the issue of bonds, a notice shall be published headed "Notice of Bond Issue for Public Improvement," stating when the City Commission adopted the same, describing the improvement in general terms, and stating the total amount of bonds to be issued, in what denomination, when maturing, how to be dated and numbered, the rate of interest, when and where payable, and the lowest price at which any portion of such bonds not taken by the sinking fund of the city, or of the city school district, will be offered at public sale. Wherever practicable notices of the same character required to be published regarding separate improvements shall be combined into one notice under a single heading.

No resolution declaring it necessary to proceed with any public improvement shall be adopted until complete plans, specifications, profiles and estimates have been submitted to the City Commission and been approved by it; and the same or a copy thereof, shall thereafter remain on file in the office of the city auditor subject to inspection by the public.

### *Price and Mode of Publication.*

Section 51. All of the above mentioned publications, as well as all other newspaper publications made by the city, shall be published in one or more newspapers of general circulation in the municipality, in the body type of the paper and under headlines in eighteen point type, specifying the nature of the publication; and, where legally permissible, such publication shall be made but once.

The newspapers carrying such publication shall be paid a price per inch of space used and the lowest and best rate offered, not exceeding that which it receives from regular commercial display advertisers for the quantity of space used. Whenever it may appear to the City Commission that the rates offered by such newspapers are un-

fair, such other means of securing due publicity may be employed, in lieu of newspaper advertising, as the Commission may by resolution determine.

## APPROPRIATIONS.

### *The Estimate.*

Section 52. The fiscal year of the city shall begin on the first day of January. On or before the first day of November of each year the City Manager shall submit to the City Commission an estimate of the expenditures and revenues of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the City Manager. The classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments, and shall give in parallel columns the following information:

(a) A detailed estimate of the expense of conducting each department as submitted by the department.

(b) Expenditures for corresponding items for the last two fiscal years.

(c) Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year.

(d) Amount of supplies and material on hand at the date of the preparation of the invoice.

(e) Increase or decrease of requests compared with the corresponding appropriations for the current year.

(f) Such other information as is required by the City Commission or that the City Manager may deem advisable to submit.

(g) The recommendation of the City Manager as to the amounts to be appropriated with reasons therefor in such detail as the City Commission may direct.

(h) Sufficient copies of such estimate shall be prepared and submitted that there may be copies on file in the office of the City Commission for inspection by the public.

### *Appropriation Ordinance.*

Section 53. Upon receipt of such estimate the City Commission shall prepare an appropriation ordinance but before finally acting upon such tentative appropriation the City Commission shall fix a time and place for holding a public hearing upon the tentative appropriation, and shall give public notice of such hearing. The City Commission shall not pass the appropriation ordinance until ten (10) days after such public hearing.

If at the beginning of the term of office of the first Commission elected under the provisions of this charter, the appropriations for the expenditures of the city government for the current fiscal year have been made, said Commission shall have power by ordinance to revise, to repeal or change said appropriations and to make additional appro-



priations.

### *Transfer of Funds.*

Section 54. Upon request of the City Manager the City Commission may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved insufficient, or may authorize a transfer to be made between items appropriated to the same office or department.

### *Unencumbered Balances.*

Section 55. At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated and shall be subject to future appropriation. Any accruing revenue of the city, not appropriated as hereinbefore provided, and any balances at any time remaining after the purposes of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the City Commission to such uses as will not conflict with any uses for which specifically such revenues accrued. No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to the appropriations made by the City Commission, but nothing in this or the preceding section shall be construed to authorize the application of revenue derived from a public utility of the city to any other purpose than that of the utility from which the same was derived.

## PAYMENTS—REPORTS.

### *Payment of Claims.*

Section 56. No warrant for the payment of any claim shall be issued by the City Auditor until such claim shall have been approved by the head of the department for which the indebtedness was incurred and by the City Manager, and such officers and their sureties shall be liable to the municipality for all loss or damage sustained by the municipality by reason of the corrupt approval of any such claim against the municipality. Whenever any claim shall be presented to the City Auditor he shall have power to require evidence that the amount claimed is justly due and is in conformity to law and ordinance, and for that purpose he may summon before him any officer, agent, or employe, of any department of the municipality, or any other person, and examine him upon oath or affirmation relative thereto.

### *Expenditures in Excess of \$1000.00.*

Section 57. When an expenditure other than the compensation of persons employed by the city, exceeds one thousand dollars, such expenditure shall first be authorized and directed by ordinance of the City Commission and no contract involving an expenditure in excess of such sum shall be made or awarded except upon the approval of the City Manager and the City Commission.

## *Certification of Funds.*

Section 58. No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the City Commission, or be authorized by any officer of the city, unless the City Auditor shall first certify to the City Commission or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure, is in the treasury, to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the city is discharged from the contract, agreement or obligation. The provisions of this section shall not apply to contracts or proceedings relating to improvements any part of the cost of which is to be paid by special assessments.

## *Money in the Fund.*

Section 59. All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved that are anticipated to come into the treasury before the maturity of such contract, agreement, or obligation, from taxes, assessments, or license fees, or from sales of services, products or by-products of any city undertaking, and moneys to be derived from lawfully authorized bonds sold and in process of delivery, for the purposes of such certificate shall be deemed in the treasury to the credit of the appropriate fund and shall be subject to such certification.

## *Financial Reports.*

Section 60. The City Commission shall have furnished them a monthly balance showing in detail all receipts and expenditures of the city for the preceding month; and the aggregate receipts and expenditures of each department shall be published by the City Commission in such manner as to provide full publicity. At the end of each year the City Commission shall have printed an annual report, in pamphlet or other form, giving a classified statement of all receipts, expenditures, assets and liabilities of the city; a detailed comparison of such receipts and expenditures with those of the year preceding; a summary of the City Commission proceedings and summary of the operations of the administrative departments for the previous twelve months. A copy of this report shall be furnished the state bureau of accounting, the public library and to any citizen of the city who may apply therefor at the office of the City Auditor.

## IMPROVEMENTS—CONTRACTS

### *Limitations and Assessments.*

Section 61. In levying special assessments to pay any part of the cost of any public work or improvement, the City Commission shall not exceed any limitations as to the amount thereof which may



be prescribed by the general laws of the state applicable to municipalities and in force at the time it is determined by the City Commission that any such work shall be done or improvement made. Unless for special reasons which shall be stated in the ordinance levying an assessment or providing for the issue of bonds to pay any part of the cost of any such improvement to be made pursuant to contract, no such ordinance shall be passed, or assessment levied or money borrowed, until bids for the labor and material have been received and the approximate cost of the improvement accurately determined.

### *Improvements by Direct Labor.*

Section 62. Nothing in the preceding section shall be construed to prohibit the City Commission from doing any public work or making any public improvement by the direct employment of the necessary labor and the purchase of the necessary supplies and materials, with separate accounting as to each improvement so made, but the City Commission may upon so declaring by ordinance or resolution, cause any public work or improvement to be done or made in such manner.

### *Sewer, Water and Gas Connections.*

Section 63. Before paving or otherwise surfacing or resurfacing any street or alley of the city the City Commission shall determine the time within which sewer, water, gas or other connections shall be constructed, and shall give notice thereof to the persons or corporations required to make the same, and if a person or corporation fails to make any such connection when so required no permission to make the same shall thereafter be granted within five years from the completion of any such street improvement unless with the consent of four of the commissioners expressed by resolution adopted at a regular meeting of the Commission and stating the reasons therefor. Nothing herein shall be construed to prohibit the City Commission from providing that such connections may be made by the city and the cost thereof assessed against the lots and lands specially benefited thereby.

### *Time of Making Contracts.*

Section 64. The City Commission shall not enter into any contract which is not to go into full operation during the term for which all the members of such City Commission are elected.

### *Modification of Contracts.*

Section 65. When it becomes necessary in the opinion of the City Manager, in the prosecution of any work or improvement under contract, to make alterations or modifications in such contract, such alterations or modifications, if made, shall be of no effect until the price to be paid for the work and material, or both, under the altered or modified contract, has been agreed upon in writing and signed by the contractor and by the City Manager and approved by the City Commission.

### *Bids in Excess of Estimate.*

Section 66. In no instance shall contracts be let either as a whole, or in aggregate if bids for parts of the work are taken, which exceed the estimate for the improvement contemplated.

### *Contracts—When Void.*

Section 67. All contracts, agreements or other obligations entered into and all ordinances passed, or resolutions and orders adopted, contrary to the provisions of the preceding sections, shall be void.

## THE INITIATIVE.

### *Proposed Petition.*

Section 68. Any proposed ordinances, including ordinances for the repeal or amendment of an ordinance then in effect, may be submitted to the City Commission by petition signed by at least five percent of the total number of voters in the municipality at the last regular municipal election. All petitions circulated with respect to any proposed ordinances shall be uniform in character, shall contain the proposed ordinance in full, and shall have printed or written thereon the names and addresses of at least five electors who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purpose hereinafter named.

Each signer of a petition shall sign his name in ink or indelible pencil and shall place on the petition, opposite his name, the date of his signature and his place of residence by voting precinct and by street and number. The signatures to any such petition need not all be appended to one paper, but to each such paper there shall be attached an affidavit by the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant and on the date indicated.

### *Time of Filing.*

Section 69. All papers comprising a petition shall be assembled and filed with the clerk of the City Commission as one instrument, within one hundred and twenty days from the date of the first signature thereon, and when so filed, the clerk shall submit the same to the City Commission at its next regular meeting and provision shall be made for public hearings upon the proposed ordinance.

### *Petition for Election.*

Section 70. The City Commission shall at once proceed to consider such petition and shall take final action thereon within thirty (30) days from the date of submission. If the City Commission rejects the proposed ordinance, or passes it in a different form than that set forth in the petition, or fails to act finally upon it within the time stated, the committee of the petitioners, by written demand filed with the clerk of the City Commission not later than twenty (20) days af-



ter final action or inaction by the City Commission, may require that the proposed ordinance be submitted to a vote of the electors in its original form, if, with or prior to such demand, a petition for such election, signed after the final action or inaction of the City Commission, is filed with such clerk bearing additional signatures of fifteen per cent of the electors of the city, none of whom were signers of the first petition. Such clerk shall forthwith cause notice of the filing of such demand and petition to be published in some newspaper of general circulation in the city, and shall also within five (5) days certify to the officers having control of elections the proposed ordinance stating whether or not a special election is demanded in the petitions, the percentage of voters who signed the two petitions in the aggregate, and the date on which he published the notice last mentioned.

### *Time of Holding Election.*

Section 71. If an election is to be held not more than three months nor less than thirty (30) days after the publication of such notice by the clerk, such proposed ordinance shall be submitted to a vote of the electors at such election. If no election is to be held within the time aforesaid, the election officers shall provide for submitting the proposed ordinance to the electors at a special election to be held not later than sixty (60) days nor earlier than thirty (30) days after the publication of such notice, if the petition for such ordinance and the petition for such election so demand, and if the signers of the two petitions amount in the aggregate to at least twenty-five per cent of the voters of the city; otherwise the same shall be submitted at the next regular or special election. At least ten (10) days before any such election the clerk of the City Commission shall cause such proposed ordinance to be published.

### *Ballots.*

Section 72. The ballots used when voting upon any such proposed ordinance shall state the title of the ordinance to be voted on and below it the two propositions, "For the Ordinance" and "Against the Ordinance." Immediately at the left of each proposition there shall be a square in which by making a cross (X), the voter may vote for or against the proposed ordinance. If a majority of the electors voting on any such proposed ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the city.

### *Duty of City Solicitor.*

Section 73. Before any ordinance so proposed shall be submitted to the City Commission, it shall first be approved as to its form by the City Solicitor, whose duty it shall be to draft such proposed ordinance in proper legal language, and to render such other service to persons desiring to propose such ordinance as shall be necessary to make the same proper for consideration by the City Commission.

### *Amendments and Repeals.*

Section 74. No ordinance adopted by an electoral vote can be

repealed or amended except by an electoral vote. But an ordinance to repeal or amend any such ordinance may, by resolution of the City Commission, be submitted to an electoral vote at any regular election or at any special municipal election called for some other purpose, provided notice of the intention so to do be published by the City Commission not more than sixty (60) nor less than thirty (30) days prior to such election, in the manner required for the publication of ordinances. If an amendment is so proposed, such notice shall contain the proposed amendment in full. Such submission shall be in the same manner, and the vote shall have the same effect, as in cases of ordinances submitted to an election by popular petition.

## THE REFERENDUM

### *Petition for Referendum.*

Section 75. No ordinance passed by the City Commission, unless it be an emergency measure or the annual appropriation ordinance, shall go into effect until thirty (30) days after its final passage. If, at any time within said thirty days, a petition signed by fifteen per cent of the total number of voters in the municipality be filed with the clerk of the City Commission requesting that any such ordinance be repealed or amended as stated in the petition, it shall not become operative until the steps indicated herein have been taken. Such petition shall have stated therein the names and addresses of at least five (5) electors as a committee to represent the petitioners.

Referendum petitions need not contain the text of the ordinance or ordinances the repeal of which is sought; but shall contain the proposed amendment, if an amendment is demanded, and shall be subject in all other respects to the requirements for petitions submitting proposed ordinances to the City Commission. Ballots used in referendum elections shall conform in all respects to those provided for in Section Seventy-two (72) of this charter.

### *Proceedings Thereunder.*

Section 76. The clerk of the City Commission shall, at its next meeting, present the petition to the City Commission, which shall proceed to reconsider the ordinance. If, within thirty (30) days after filing of such petition, the ordinance be not repealed or amended as requested, the City Commission shall provide for submitting the proposed repeal or amendment to a vote of the electors, provided a majority of the committee named in the petition to represent the petitioners shall, by writing filed with the clerk of the City Commission within twenty (20) days after the expiration of the said thirty (30) days, so require. In so doing the City Commission shall be governed by the provisions of Section Seventy-one (71) here of respecting the time of submission and the manner of voting on ordinances proposed to the City Commission by petition; excepting that the question of calling a special election for such purpose shall be determined by the demand and number of signers of the petition requesting the repeal or amendment of such ordinance, which number shall be twenty-five per cent of the voters; and excepting further that the City Commission



may call and fix the time for a special election for such purpose, if in its judgement the public interest will be prejudiced by delay.

If when submitted to a vote of the electors, such repeal or amendment be approved by a majority of those voting thereon, it shall thereupon go into effect as an ordinance of the city; but if any such amendment is clearly separable from the remainder of the ordinance and does not materially affect the other provisions of such ordinance, all sections of the ordinance except that sought to be amended and those dependent thereon shall take effect as though no referendum of any portion of the ordinance had been demanded.

### *Referendum on Initiated Ordinances—Conflict.*

Section 77. Ordinances submitted to the City Commission by initiative petition and passed by the City Commission without change, or passed in an amended form and not required to be submitted to a vote of the electors by the committee of the petitioners, shall be subject to the referendum in the same manner as other ordinances. If the provisions of two or more ordinances adopted or approved at the same election conflict, the ordinance receiving the highest affirmative vote shall prevail.

### *Emergency Measures.*

Section 78. Ordinances passed as emergency measures shall be subject to referendum in like manner as other ordinances, except that they shall go into effect at the time indicated in such ordinances. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon it shall be considered repealed as regards any further action thereunder; but such measure so repealed shall be deemed sufficient authority for payment in accordance with the ordinance of any expense incurred previous to the referendum vote thereon.

### *Preliminary Action.*

Section 79. In case a petition be filed requiring that a measure passed by the City Commission providing for an expenditure of money, a bond issue, or a public improvement be submitted to a vote of the electors, all steps preliminary to such actual expenditure, actual issuance of bonds, or actual execution of a contract for such improvement may be taken prior to the election.

## FRANCHISES.

### *Grants Limited.*

Section 80. No grant, or renewal thereof, to construct and operate a public utility in the streets and public grounds of the city shall be made by the City Commission to any individual, company or corporation in violation of any of the limitations contained in this charter.

### *Period of Grants.*

Section 81. No such grant shall be exclusive, nor shall it be

made for a longer period than twenty (20) years, No such grant shall be renewed earlier than two years prior to its expiration unless the City Commission shall by a vote of at least four of its members first declare by ordinance its intention of considering a renewal thereof. All grants of the right to make extensions of any public utility shall be subject as far as practicable to the terms of the original grant and shall expire therewith.

### *Assignment.*

Section 82. No such grant shall be leased, assigned or otherwise alienated except with the express consent of the City Commission.

### *Right of Purchase.*

Section 83. All such grants shall reserve to the city the right to purchase or lease all the property of the utility, used in or useful for the operation of the utility at a price either fixed in the ordinance making the grant, or to be fixed in the manner provided by such ordinance, which price shall in no event include any value for the grant. Nothing in such ordinance shall prevent the city from acquiring such property by condemnation proceedings or in any other lawful mode, which rights shall be in addition to those reserved in such ordinance. Upon the acquisition of such property by purchase, condemnation or otherwise all grants shall at once terminate.

### *Extension by Annexation.*

Section 84: It shall be provided in every such grant that upon the annexation of any territory to the city the portion of any such utility that may be located within any such annexed territory and upon the streets, alleys or public grounds thereof, shall thereafter be subject to all the terms of the grant as though it were an extension made thereunder.

### *Right of Regulation.*

Section 85. All grants shall be subject to the right of the city, whether in terms reserved or not, to control at all times the distribution of space in, over, under or across all streets, alleys or public grounds occupied by public utility fixtures, and, when in the opinion of the City Commission the public interest so requires, such fixtures may be caused to be reconstructed, relocated, altered or discontinued; and said city shall at all times have the power to pass all regulatory ordinances affecting such utilities which in the opinion of the City Commission are required in the interest of the public health, safety or accommodation.

### *Forfeitures.*

Section 86. If any action shall be instituted or prosecuted directly or indirectly by the grantee of any such grant, or by its stockholders or creditors, to set aside or have declared void any of the terms of any such grant, the whole of such grant may be thereupon



forfeited and annulled at the option of the City Commission to be expressed by ordinance. All such grants shall make provision for the declaration of a forfeiture by the City Commission for the violation by the grantee of any of the terms thereof.

### *Grants Not Included.*

Section 87. Revocable permits for laying spur tracks across or along streets, alleys or public grounds, to connect a steam or electric railroad with any property in need of switching facilities shall not be regarded as a grant within the meaning of this charter, but may be permitted in accordance with such terms and conditions as the City Commission may by ordinance prescribe.

### *General Provision.*

Section 88. Nothing in this charter contained shall operate in any way, except as herein specifically stated, to limit the City Commission in the exercise of any of its lawful powers respecting public utilities, or to prohibit the City Commission from imposing in any such grant such further restrictions and provisions as it may deem to be in the public interest, provided only that the same are not inconsistent with the provisions of this charter or the constitution of the state.

## MISCELLANEOUS PROVISIONS.

### *General Laws to Apply.*

Section 89. All general laws of the state applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter, or with ordinances or resolutions hereafter enacted by the City Commission, shall be applicable to this city; provided, however, that nothing contained in this charter shall be construed as limiting the power of the City Commission to enact any ordinance or resolution not in conflict with the constitution of the state or with the express provisions of this charter.

### *Ordinances Continued in Force.*

Section 90. All ordinances and resolutions in force at the time of the taking effect of this charter, not inconsistent with its provisions shall continue in full force and effect until amended or repealed.

### *Continuance of Present Officers.*

Section 91. All persons, (except the members of the Board of Education who are not affected hereby,) holding office at the time this charter is adopted shall continue in office and in the performance of their duties until provision shall have been otherwise made in accordance with this charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made the term of any such officer shall expire and the office be deemed abolished. The powers which are conferred and the duties which are imposed upon any officer, board or department of the city under the laws of the state, or under any city ordinance or contract in force at

the time of the taking effect of this act shall, if such office or department is abolished by this charter, be thereafter exercised and discharged by the Commission, officer, board or department upon whom are imposed corresponding functions, powers and duties by this charter or by any ordinance or resolution of the city hereafter enacted.

### *Continuance of Contracts and Vested Rights.*

Section 92. All vested rights of the city shall continue to be vested and shall not in any manner be affected by the adoption of this charter; nor shall any right or liability, or pending suit or prosecution, either in behalf of or against the city, be in any manner affected by the adoption of this charter, unless otherwise herein expressly provided to the contrary. All contracts entered into by the city or for its benefit prior to the taking effect of this charter shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect may be carried to completion in accordance with the provisions of such laws.

### *Investigations.*

Section 93. The City Commission, or any commission thereof, the City Manager and any advisory board appointed by the Commission for such purpose, shall have power at any time to cause the affairs of any department or the conduct of any officer or employe to be investigated; and for such purpose shall have power to compel the attendance of witnesses and the production of books, papers and other evidences; and for that purpose may issue subpoenas or attachments which shall be signed by the president or chairman of the body or by the officer making the investigation, and shall be served by any officer authorized by law to serve such process. The authority making such investigation shall also have power to cause the testimony to be given under oath to be administered by some officer authorized by general law to administer oaths; and shall also have power to punish as for contempt any person refusing to testify to any fact within his knowledge, or to produce any books, or papers under his control, relating to the matter under investigation,

### *Oath of Office.*

Section 94. All officers before taking office shall take the oath of office prescribed by law; but the oath of office of City Commissioner shall be in writing and be filed with the City Auditor and shall contain the assertion that in his candidacy for nomination and election he has not violated any provision of Section 16 of this charter.

### *Hours of Labor.*

Section 95. The Commission shall have power to provide by ordinance that on any public work carried on by the city whether done by contract or otherwise, not to exceed eight (8) hours shall constitute a day's work.



## *Amendment of Charter.*

Section 96. Amendments to this charter may be submitted to the electors of the city by an affirmative vote of four members of the City Commission, and upon petition signed by ten per cent of the electors of the city setting forth any such proposed amendment, shall be submitted by such City Commission. The ordinance providing for the submission of any such amendment shall require that it be submitted to the electors at the next regular municipal election if one shall occur not less than sixty (60) nor more than one hundred and twenty (120) days after its passage; otherwise it shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid. Not less than thirty (30) days prior to such election the clerk of the City Commission shall mail a copy of the proposed amendment to each elector whose name appears upon the poll or registration books of the last regular municipal or general election. If such proposed amendment is approved by a majority of the electors voting thereon it shall become a part of the charter at the time fixed therein.

## *Saving Clause.*

Section 97. If any section or part of a section of this charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this charter, unless it clearly appear that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid.

## *When Charter Takes Effect.*

Section 98. For the purpose of nominating and electing officers and all purposes connected therewith this charter shall take effect from the time of its approval by the electors of the city.

For the purpose of exercising the powers of the city as provided herein and of establishing departments, divisions and officers and distributing the functions thereof, and for all other purposes it shall take effect on the first day of January, 1916.

We the undersigned members of the Charter Commission of the City of Jackson, Ohio, elected on the 4th day of November, 1913, have framed and hereby propose the foregoing as a charter for The City of Jackson, Ohio.

Done in duplicate at Jackson, Ohio, this fifth day of June, A. D., 1914.

## THE CHARTER COMMISSION.

Moses Morgan, President	E. E. Eubanks
Charles L. Gallagher, Vice Pres.	Edwin Jones
W. A. Ridenour, Secretary	Charles H. Jones
David Armstrong	John J. McKittrick
C. J. Benton	D. L. Pickrel
Daniel Crossin	James O. Tripp
A. L. Ervin	George Wheldon
	H. H. Shuter

# To the Voters of Jackson.

The members of the Charter Commission sincerely believe that the new Charter offers a business-like, economical and efficient system of government for Jackson, much better suited to our needs than the present system, and in view of the many misleading, unfair and false statements and arguments being made against the Charter, they again call attention to the following features:—

The Charter provides for **HOME RULE**, which is the earnest desire of every City.

Experience for the past few years has conclusively shown that a change is needed in our local government—the high rate of taxation, \$15000.00 bond issues to meet running expenses and our large total bonded indebtedness cry out the need.

The new Charter provides for less expense in the running of our government—hence less revenue is needed from the taxpayers.

It provides for fewer officers—which refutes the charge that the “bosses” are behind the Charter, for “Bosses” need offices to maintain their bossism.

It is not a short ballot proposition, for you still elect a Mayor and your Commission, which takes the place of the old council. The abolishment of useless offices, and by combining offices, putting one man on a one man’s job, is not “short ballot.”

It takes politics out of the City Government, and puts **EFFICIENCY AND BUSINESS METHODS** in its place, by the non-partisan ballot.

It is in the interest of the laboring man, for it provides for an 8 hour day.

The present high cost of printing local measures, such as ordinances and City advertisements, known as the “Printer’s Graft,” is eliminated, and in the Charter it is left to the lowest bidder, but to be no higher than commercial rate for the same space—which probably accounts for the spirited opposition to the Charter manifested by a local newspaper.

It gives you the right to suggest any law that you want, and the right to vote on any ordinance that you don’t like, through the Initiative and Referendum.

It gives a check on the Officers through the Recall.

It eliminates the civil service, which has proven such a “joke” in our present system.

Most important of all it gives you the right to change the Charter at any time or as to any clause that proves unsuited to our needs. Under our present government by the Legislature, the same laws needed for cities like Cleveland, Cincinnati or Columbus apply equally in Jackson—a 200,000 system for a 5000 City. The Charter makes the City its own legislature, with every voter a member thereof.

THE CHARTER COMMISSION.

W. A. Ridenour, Sec’y.

Moses Morgan, Pres.



2000











The Ohio State University



3 2435 01242 5633

JS954A151914

001

THE CHARTER OF THE CITY OF JACKSON, O